Application No. 09/467,388 TRANSMITTAL FORM Filing Date December 21, 1999 RECEIVED (to be used for all correspondence after initial filing) First Named Inventor Nelson A. Yaple Art Unit 2154 OCT 2 7 2003 **Examiner Name** Saleh Najjar Technology Center 2100 42390P7088 Total Number of Pages in This Submission Attorney Docket Number **ENCLOSURES** (check all that apply) After Allowance Communication to Group Fee Transmittal Form Drawing(s) Appeal Communication to Board of Appeals and Interferences Fee Attached Licensing-related Papers Appeal Communication to Group Petition Amendment / Response (Appeal Notice, Brief, Reply Brief) Petition to Convert a Provisional Application After Final Proprietary Information Affidavits/declaration(s) Power of Attorney, Revocation Change of Correspondence Address Status Letter Extension of Time Request Other Enclosure(s) Terminal Disclaimer (please identify below): **Express Abandonment Request** Request for Refund - Petition to Accept Papers Information Disclosure Statement as Timely Filed and PTO/SB/08 Withdraw Holding of CD, Number of CD(s) Abandonment Certified Copy of Priority Document(s) - Return Postcard Response to Missing Parts/ Incomplete Application Remarks Basic Filing Fee Declaration/POA Response to Missing Parts under 37 CFR 1.52 or 1.53 SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm Joseph A. Pugh, Reg. No. 52,137 Individual name BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP Signature October 20, 2003 Date CERTIFICATE OF MAILING/TRANSMISSION I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. Typed or printed name Derek S. Watson Date October 20, 2003 Signature

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	for FY 2003	Filing Date	December 21, 1	
	Effective 01/01/2003. Patent fees are subject to annual revision.	First Named Inventor	Nelson A. Yaple	
	Applicant claims small entity status. See 37 CFR 1.27.	Examiner Name	Saleh Najjar	
		Group/Art Unit	2154	
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Name (Print/Type) Joseph A. Pugh	6	Attorney/Age	ent)	:	52,137	Telephone	[(303) 6	3730200

Date

10/20/03

Signature



torney Docket No.: 042390.P7088

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:		
Yaple)	Examiner: S. Najjar	RECEIVED
Application No: 09/467,388)	Art Unit: 2154	OCT 2 7 2003
Filed: December 21, 1999	Art Ollit. 2154	Technology Center 2100
For: A DEDICATED DIGITAL-TO-AUDIO) NETWORK AUDIO BRIDGING SYSTEM)		
Mail Stop Petition Commissioner for Patents P.O. Box 1450		

PETITION TO ACCEPT PAPERS AS TIMELY FILED AND WITHDRAW HOLDING OF ABANDONMENT

Dear Sir/Madam:

In response to the Notice of Abandonment mailed October 1, 2003, Applicant respectfully requests that the Patent and Trademark Office (the Office) accept the response timely filed on March 19, 2003, and withdraw the holding of abandonment.

Applicant asserts as follows:

- 1. Applicant received an Office Action mailed February 27, 2003.
- 2. On March 19, 2003, Applicant filed a response (the Response, copy attached) to the Office Action, well before May 27, 2003, the final day of the 3-month statutory period for response set forth in the Office Action.

3. Applicant received a postcard (the Postcard, copy attached) stamped to indicate that the Office received the items listed thereon, including the Response, on

March 24, 2003.

4. On October 1, 2003, the Office mailed a Notice of Abandonment for

failure to file a proper reply to the Office Action.

5. The Postcard is prima facie evidence that the Office received the Response

on March 24, 2003 (see Manual of Patent Examining Procedure § 503), and thus

Applicant has timely filed a proper reply to the Office Action.

In light of the foregoing, Applicant respectfully requests that the Office accept the

Response as timely filed, and withdraw the holding of abandonment. The Office is

respectfully requested to contact the undersigned by telephone if such contact would

further the examination of the present application.

Please charge any shortages and credit any overcharges to our Deposit Account

number 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: October 20, 2003

6seph A. Pugh

Attorney for Applicant

Reg. No. 52,137

12400 Wilshire Boulevard

Seventh Floor

Los Angeles, CA 90025-1026

(503) 684-6200

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PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Application No. 09/467,388 TRANSMITTAL FORM Filing Date December 21, 1999 (to be used for all correspondence after initial filing) Nelson A. Yaple First Named Inventor Group Art Unit 2154 OCT 2 7 2003 Saleh Najjar **Examiner Name** Technology Center 2100 Attorney Docket Number 42390P7088 Total Number of Pages in This Submission

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ENCLOSURES (check all that apply)					
Fee Transmittal Form	Assignment Papers (for an Application)	After Allowance Communication to Group			
Fee Attached	Drawing(s)	Appeal Communication to Board of Appeals and Interferences			
Amendment / Response	Licensing-related Papers	Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)			
After Final Affidavits/declaration(s)	Petition	Proprietary Information			
Extension of Time Request	Petition to Convert a Provisional Application	Status Letter			
Express Abandonment Request	Power of Attorney, Revocation Change of Correspondence Address	Other Enclosure(s) (please identify below):			
Information Disclosure Statement	Terminal Disclaimer	- Return Postcard			
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Declaration/POA					
Response to Missing Parts under 37 CFR 1.52 or 1.53					
SIGNATURI	OF APPLICANT, ATTORNEY, OR AG	ENT			
Firm Joseph A. Pugh	, Reg. No. 52,137	į.			
	OKOLOFF, TAYLOR & ZAFM	AN LLP			
Signature Specifically S					
Date March 19, 2003 V					
CERTIFICATE OF MAILING/TRANSMISSION					
I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class mail with sufficient postage in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on: March 19, 2003					
Typed or printed name Derek S. Watson					
Signature	es allo	Pate March 19, 2003			

PTO/SB/17 (01-03)
Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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FEE TRANSMITTAL		omplete if Known
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for FY 2003	Filing Date	December 21, 1999
Effective 01/01/2003. Patent fees are subject to annual revision.	First Named Inventor	Nelson A. Yaple RECEIVED
Applicant claims small entity status. See 37 CFR 1.27.	Examiner Name	Saleh Najjar
	Group/Art Unit	2154 007 9 7 2002
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1005 160 2005 80 Provisional filing fee	1452 1	110 2	452	55	Petition to revive - unavoidable	\
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2. EXTRA CLAIM FEES _{Extra} Fee from	1502 4	470 2	502	235	Design issue fee	
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ZORWILLED RA Complete (if applicable) Registration No. $(503) 684-6\overline{200}$ Name (Print/Type) Joseph A. Pugh 52,137 Telephone (Attorney/Agent) 03/19/03 Signature Date

This collection of information is required by 37 CFR 1.17 (n) 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

PTO/SB/17 (01-03)
Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

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Effective 01/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27.

TOTAL AMOUNT OF PAYMENT (\$)

Complete if Known				
Application Number	09/467,388			
Filing Date	December 21, 1999			
First Named Inventor	Nelson A. Yaple			
Examiner Name	Saleh Najjar RECEIVED			
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Attorney Docket No.	42390P7088 0CT 2 7 2003			

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Name (Print/Type) Joseph A. Pugh	Regist	ration No)	52.137 Telephone (503) 684-62	200

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Name (Print/Type)	Joseph A. Pugh	Registration No. (Attorney/Agent)	52,137	Telephone	(503) 684-6200
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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application to the USPTO. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.





Attorney Docket No.: 042390.P7088

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	
· •)	
Yaple)	
) Examiner: S. Najjar	
Application No: 09/467,388)	
) Art Unit: 2154	RECEIVED
Filed: December 21, 1999)	2003
)	OCT 2 7 2003
For: A DEDICATED DIGITAL-TO-AUDIO NETWORK AUDIO BRIDGING SYSTEM))	Technology Center 2100

Commissioner For Patents Washington, D.C. 20231

AMENDMENT AND RESPONSE

Dear Examiner:

In response to the Office Action mailed February 27, 2003, please enter the following amendments and consider the following remarks.

IN THE CLAIMS

1. (Currently Amended) In an audio-rendering device, a method comprising:

receiving at an the audio-rendering device, data comprising digital audio data
transmitted across a network from an audio host;

determining whether received digital audio data is encoded according to one of at least two coding schemes;

selecting a decoding scheme based on the one of at least two coding schemes by which the received digital audio data is encoded;

decoding the encoded digital audio data in accordance with the selected decoding scheme; and

converting the received digital audio data to analog audio for output.

- 2. (Previously Canceled)
- 3. (Previously Amended) The method according to claim 1, further comprising encoding the digital audio data at the audio host.
- 4. (Previously Amended) The method according to claim 1, wherein determining whether the received digital audio data is encoded according to one of the at least two coding schemes comprises determining whether the received digital audio data is encoded according to coding schemes including mp3, way, au, and aiff.



- 5. (Original) The method according to claim 1, wherein receiving digital audio data comprises receiving a plurality of digital audio data segments and reconstructing the digital audio data from the received plurality of digital audio data segments.
- 6. (Previously Amended) The method according to claim 5, wherein determining whether the received digital audio data is encoded according to one of at least two coding schemes comprises identifying an indicator code included within at least one of the plurality of digital audio data segments.
- 7. (Previously Amended) The method according to claim 1, further comprising: determining whether the received digital audio data is compressed; and decompressing the compressed digital audio data based upon the selected decoding scheme.
- 8. (Previously Amended) The method according to claim 7, further comprising providing as output the analog audio to an amplification device.
- 9. (Previously Amended) The method of claim 1, wherein the digital audio data is received across at least one of a plurality of networks including a phoneline network, a powerline network, and a HomeRF network.

10. (Currently Amended) An audio-rendering device comprising:

a network interface to receive digital audio data transmitted over a network from an audio host;

a processor coupled with the network interface to:

determine whether received digital audio data is encoded according to one of at least two coding schemes, and;

select a decoding scheme based on the one of at least two coding schemes by which the received digital audio data is encoded; and

decode the encoded digital audio data in accordance with the selected decoding scheme; and

a converter coupled to the processor to convert the received digital audio data to analog audio for output to a speaker proximate the audio-rendering device.

- 11. (Previously Canceled)
- 12. (Previously Canceled)
- 13. (Previously Canceled)
- 14. (Currently Amended) The <u>digital to-analog audio bridge</u> <u>audio-rendering device</u> according to claim 10, further comprising a read only memory coupled to the processor to store at least one CODEC.

COPY

- 15. (Currently Amended) The digital to analog audio bridge audio-rendering device according to claim 10, wherein the processor decompresses the digital audio data if it is determined that the digital audio data is compressed.
- 16. (Previously Amended) A residential network audio system comprising:

 a host device disposed in a first location to transmit digital audio data over a
 network; and

an audio-rendering device disposed in a second location, communicatively coupled with the host, to receive the digital audio data transmitted from the host, determine whether received digital audio data is encoded according to one of at least two coding schemes, select a decoding scheme based on the one of at least two coding schemes by which the received digital audio data is encoded, decode the received digital audio data in accordance with the selected decoding scheme, and convert the received digital audio data to analog audio for output to a speaker proximate the audio-rendering device.

- 17. (Previously Canceled)
- 18. (Previously Amended) The residential network audio system according to claim 16, wherein the network comprises a network including at least one of a phoneline network, a powerline network, and a HomeRF network.

19. (Previously Amended) The residential network audio system according to claim 16, wherein the audio-rendering device is further disposed to:

determine whether the received digital audio data is compressed; and decompress the compressed digital audio data in accordance with the selected decoding scheme.

- 20. (Original) The residential network audio system according to claim 16, wherein the digital audio data is transmitted according to the real-time transport protocol (RTP).
- 21. (Previously Amended) An article comprising a machine readable medium having a plurality of machine readable instructions stored thereon, wherein when the instructions are executed by a processor, the instructions subscribe the processor to:

receive digital audio data;

determine whether received digital audio data is encoded according to one of at least two coding schemes;

select a decoding scheme based on the one of at least two coding schemes by which the received digital audio data is encoded;

decode the encoded digital audio data in accordance with the selected decoding scheme; and

convert the received digital audio data to analog audio for output to a speaker.

22. (Previously Canceled)

- 23. (Currently Amended) The article of claim 22 21, wherein the machine readable instructions that, when executed, subscribe the processor to receive audio data comprise sequences of instructions that, when executed, cause the processor to receive digital audio data transmitted across a network from an audio host.
- 24. (Previously Added) The method according to claim 1, wherein converting the received digital audio data to analog audio for output comprises converting the received digital audio data to analog audio for output to a speaker proximate the audio-rendering device.
- 25. (Currently Amended) A method comprising:

providing an indication, within at least one of a plurality of data segments, whether digital audio data is encoded according to one of at least two <u>audio</u> coding schemes; and

transmitting the plurality of data segments across at least one of a plurality of networks including a phoneline network, a powerline network, and a HomeRF network to an audio-rendering device.

26. (Currently Amended) The method according to claim 25, wherein providing the indication, within the at least one of the plurality of data segments, whether the digital audio data is encoded according to the one of the at least two <u>audio</u> coding schemes comprises providing an indicator code within the at least one of the plurality of data segments.

- 27. (Previously Added) A method of claim 6, further comprising: selecting the one of the two coding schemes based on the identified indicator code.
- 28. (Previously Added) The method of claim 27, wherein selecting the one of the two coding schemes based on the identified indicator code comprises:

accessing a lookup table that includes entries for the at least two coding schemes; comparing the identified indicator code to the entries in the lookup table; and identifying an entry in the lookup table that corresponds to the indicator code, wherein the entry is the coding scheme by which the received digital audio data is encoded.

REMARKS

Applicant respectfully requests reconsideration of the present U.S. Patent application. Claims 1, 3-10, 14-16, 18-21, 23, 24 and 27 are allowed. Claims 25-26 stand rejected under 35 U.S.C. § 102. Claim 28 is objected to. Claims 1, 10, 14, 15, 23, 25 and 26 have been amended. No claims have been canceled or added. Thus, by this amendment, claims 1, 3-10, 14-16, 18-21 and 23-28 remain pending.

Claim Objections

Claim 28 was objected to as being dependent upon a rejected base claim.

Applicant respectfully points out that only claims 25 and 26 have been rejected, and that claim 28 depends on claim 27, which has been allowed. Therefore, Applicant submits that Examiner should not have objected to claim 28.

Claim Rejections – 35 U.S.C. § 102

Rejections of Claims 25-26 Based on Bruhn

Claims 25-26 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,256,487 issued to Bruhn (*Bruhn*). For at least the reasons set forth below, Applicant submits that claims 25-26 are not anticipated by *Bruhn*.

Amended Claim 25 recites the following:

providing an indication, within at least one of a plurality of data segments, whether digital audio data is encoded according to one of at least two audio coding schemes; ...

A proper rejection under 35 U.S.C. § 102 requires that a single prior art reference teach each and every element of the rejected claim. See MPEP § 2131.

Bruhn discloses a communication system for managing radiotelephone calls. See col. 5, lines 4-17. A transmitter transmits a mode indicator over an air interface to a receiver, to inform the receiver of the combination of speech coding and channel coding used to process data prior to transmission. See col. 5, lines 45-54; col. 6, lines 42-54.

Bruhn does not disclose providing an indication, within at least one of a plurality of data segments, whether digital audio data is encoded according to one of at least two audio coding schemes. Consequently, Bruhn does not teach each and every element of claim 25, and thus does not anticipate this claim. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection of claim 25 under 35 U.S.C. § 102.

Claim 26 depends from claim 25. Because dependent claims include the limitations of the claims from which they depend, Applicant submits that claim 26 is not anticipated by *Bruhn* for at least the reasons set forth above, and thus is in condition for allowance.

CONCLUSION

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, all pending claims are now in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.



Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted, BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP

Date: March 19, 2003

Joseph A. Pugh Reg. No. 52,137

12400 Wilshire Boulevard Seventh Floor Los Angeles, CA 90025-1026 (503) 684-6200

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